## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ARMSTRONG HOLDINGS, INC.	)
a Delaware corporation,	í
Plaintiff,	)
${f v}$	) 2:10-cv-122
ARMSTRONG BLUE SKY PARTNERS, L.P.	)
a North Carolina limited partnership, ABS-LOFTS	)
DILWORTH, L.L.C.	)
a North Carolina limited liability company, ABS-2525	)
SOUTH, L.L.C.	)
a North Carolina limited liability company and ABS-2334	)
SOUTH BOULEVARD, L.L.C.	í
a North Carolina limited liability company	)
Defendants.	)

## **ORDER OF COURT**

On January 27, 2010, Defendants filed a Notice of Removal from the Court of Common Pleas of Butler County, Pennsylvania. The averments contained in the Notice of Removal and in the underlying complaint were not sufficient to establish complete diversity of citizenship jurisdiction because the citizenship of each of the members of the Limited Liability Companies ("LLCs") had not been disclosed. As explained recently by the United States Court of Appeals for the Third Circuit in *Zambelli Fireworks Mfg. Co., Inc. v. Wood*, 2010 WL 143682 \* 7 (3d Cir. 2010):

the citizenship of partnerships and other unincorporated associations is determined by the citizenship of its partners or members. *Swiger*, 540 F.3d at 182. Accordingly, the citizenship of an LLC is determined by the citizenship of its members. And as with partnerships, where an LLC has, as one of its members, another LLC, "the citizenship of unincorporated associations must be traced through however many layers of partners or members there may be" to determine the citizenship of the LLC.

It is incumbent upon federal courts to verify their authority to hear a dispute at all stages of the case. Accordingly, on January 29, 2010, the Court entered an order that required Defendants to submit proof that there is complete diversity of citizenship among the parties such

that this Court may exercise subject-matter jurisdiction pursuant to 28 U.S.C. §§ 1332, 1446.

On February 10, 2010, Defendants filed a Response which indicated that complete diversity of citizenship cannot be established under the standard set forth in *Zambelli*. Accordingly, Defendants recognize that this case is subject to remand.

AND NOW, this 11th day of February, 2010, it is hereby **ORDERED**, **ADJUDGED**, **AND DECREED** that this action is hereby **REMANDED FORTHWITH** to the Court of

Common Pleas of Butler County, Pennsylvania

The clerk shall docket this case closed.

BY THE COURT:

s/ Terrence F. McVerry
United States District Court Judge

cc: Eric S. Newman

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